Talbert Papers, B79-4, Box 1.12: Nash Testimony

Laing

– Wm J.E. Nash –

[Cross E.] [Testimony]

[Dec. 3, 1897]

THE BUFFALO HISTORY MUSEUM

Proceedings of December 3rd 1897.

Parties again appear.

J E S S E E. N A S H, called by the proponents asxa witness, is sworn and examined as follows:

Direct-examination by Mr. L A I N G.

Q. Do you reside in Buffalo ?

A. I do .

Q. For how long ?

A. Since June 1892 .

Q. You are the pastor of the church up on Michigan street ?

A. I am .

Q. It is located near where Mr. Wm. Talbert now lives ?

A. It is .

Q. Did you know Anna M. Talbert in her lifetime ?

A. I did .

Q. For how long before she died ?

A. Since June 1892 .

Q. She attended your church more or less ?

A. She did .

Q. You are acquainted with her children ?

A. I am .

Q. You knew her husband in his lifetime ?

A. I did .

Q. Were you accustomed to visiting the family when they lived

Peter Paul Book Co., Buffalo

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

on Michigan street ?

Mr. Watch: Let him tell what he did .

The Court: He may answer.

A. I was .

Q. How frequently while shewas on Clinton street ?

A. I could not say just as to how frequenly. I would say at least once a month; at least that .

Q. Did you visit her after she moved onto Michigan street ?

A. I did .

Q. While she lived in the brick house ?

A. Yes sir .

Q. How frequently while she lived there ?

A. At least once a week .

Q. After she moved to 521 Michigan street did you visit her ?

A. Yes sir .

Q. How frequently there ?

A. About the same, maybe more frequenly; if anything more frequently .

Q. On the occasions when you went to the brick house at 521 Michigan did you see Anna M. Talbert ?

A. I did .

Q. And also after she moved to 521 did you see her there ?

A. I did .

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. And did you converse with her ?

A. Yes sir .

Q. Do you recollet whether or not she attended church after she moved into the brick house ?

A. She did .

Q. Did you know there was a time after she moved into the brick house on Michigan street that Mrs Talbert was ;par-alyzed- partially ?

A. Yes sir .

Q. Do you recollect whether or not she attended church before that time while she was on Michigan street ?

A. I am certaim she did .

Q. How did she get there ?

A. She walked .

Q. Do you know whether she remained through services ?

A. She did .

Q. Have you any recollection as to how many times she attend-ed church that Summer before she was paralyzed while she was on Michigan street ?

A. No sir I have not .

Q. Have you any recollection about it whether it was one or twenty times ?

A. It is more than once. I could say more than twice .

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Do you remember any particular occasions that you visited her in the brick house the Summer before she was paralyzed ?

A. I do .

Q. And anything that occurrrd at such times ? What is that recalls any visit of this to your mind ?

A. I dont remember many times when we had any particular subjects to discuss . I do remember once in particular I was in her parlor on the Sabbath after my morning services,and I spoke to her from a spiritual standpoint, and we conversed a while and after I having conferred with her I read the scriptures to her and prayed with her. That was one distinct time thaII remember.

Q. Where was she at the time ? what part of the house ?

A. With me im the front parlor ..

Q. was she in a chair or in bed ?

A .In a chair sitting at the window .

Q. Did she remain there during the time she was at the house?

A. Yes sir .

Q. This was before the time shewas paralyzed ?

A. It was .

Q. About how long were you there ?

A. I would say at least a half an hour .

Q. Do you remember anything she said or the substance of any thing ?

JAMES P. MOORE, STENOGRAPHER, BUFFALO, N.Y.

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. I remember the substance of what she said. She gave me to understand that it was her determination to continue to do the Will of her master as near as possible. That was about the substance of what she said. That is what I tried to ascertain from her .

Q. Do you remember any other occasion when you visited her there ?

A. I remember several occasions, but I remember another occasion distinctyin my mind when I visited her and asked her if she would like to have someof the members and old acquaintances come in and converse with her about spiritual things, and to sing and pray with her, and she consented to have them comein . That is distinct in my memory .

Q. This was while she was yett in the brivck house ?

A. Yes sir .

Q. How long did you remain there then ?

A. I dont remember how long I was there . Not more thana few minutes .

Q. Do you remember of going there with any of the members in pursuance to that conversation ?

A. I do .

Q. Was that shortly after you spoke to her about it ?

A. Yes sir .

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. How many members went there with you ?

A. I dont just remember the number .

Q. What occurred then ?

A. We found out that what we had planned to do and weconversed with her. We had prayers and sang. She seemed to be glad to meet us ..

Q. Did she speak to themas they come ?

A. She greeted them cordially and expressed her gratitude for their having come in .

Q. Did she say anything when they went away ?

A. I dont remember .

Q. How long did you fememah there at that time ?

A. I was there an hour .

Q. Was this in the day time or evening ?

A. In the evening .

Q. Do you recall any other occasion when you talked with her?

A. I remember that once she spoke to meconcerning her desire to do something in the church that would be a memorial to her father and to someone else and I dont remember who, but like putting in a couple of windows, and she expressed a desire to do that.

Q. In that church down there ?

A. Yes sir .

Q. Did she talk about that at any length ?

Peter Paul Book Co., Buffalo

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. No she did nothave any lengthy conversation about it . She simply made the statement.

Q. Did she say what kind of a memorial she desired to put in there ?

A. She said, windows; that was the thing that was in her mind.

Q. Did she speak aboutnsomething that she would like to have done; not necessarily a desire on her part to do it ?

Mr. Hatch: I ask that the " things she desired to be done, " be stricken out .

The Court: Strike it out .

Q. What did she say she desired to have done ?

A. She was desirous that the back part of the church be changed so that instead of being square it would be oval- back of the stand- and when that was done why the windows would go in there .. She didn't express a desire to do that herself .

Q. Do you recall anything further that was said at that time?

A. No, I dont recollect anything more than that .

Q. Is there any other particular conversation that you have in your mind ?

A. I dont recall any more only that I met and talked with her

Q..And have more or less conversation with her ?

A. Yes sir .

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

If I am to be permitted to make a statement before you question me further.

Mr. Laing,- I have no objection.

Mr. Watch: And I have none .

Witness:

The statement I wish to make was this: as Pastor of the church and sustaining the relations which I naturally sustain to the community, I wanted to be distinctly understood that I did not approve of the action of Mrs Talbert in bequeathing the entire estate to one child, and that from what I can learn I have been falsely accused by some of the children who have been trying to get what naturally belonged to them. I simply come on the stand to tell the truth, as far as I know it in the case. I did not interest myself in this Talbert business or in any of the children's business, and did not seek an opportunity to be interviewed or give my advice .I thought that since there were men who were given to that- lawyers - that that was their business, and I devoted my entire time to my special work. That is all.

The Court: The statement better go out of the record. Strike it out .

Mr. Laing, resuming:

Q .Were you present when the will was executed ?

A. I was.

Peter Paul Book Co., Buffalo

JAMES P. MOORE, STENOGRAPHER, BUFFALO N.Y.

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Where was this ?

A. In the brick house in the back parlor .

Q. Do you recall who was there ?

A. I recall Mr. Laing, William Talbert and another gentleman who accompanied Mr. Laing home, but whom I do not know .

Q. Where was Mrs Talbert ?

A. She was there in bed .

Q. Tell so far as you remember what occurred ?

A. After I came in the room Mr. Laing read the will, as it had been and seemed to me to have been,made by him, and he asked Mrs Talbert if it were as she wished it,and she said yes. With the understanding that some little changes be made in it as to inserting some things that were not in it. After the will was read, as I remember by Mrs Talbert, I think it was,- I think the witnesses were called to sign the will. I was asked as one to sign the will, which I refused to do,and Mr. Laing, and if I mistake not the gentleman who accompanied him, signed the will after it was given to Mrs Talbert,and she signed it by making her mark. That is about all I remember.

Q. Do you recall what the changes were that she suggested ?

A. I dont recall the particulars, but it seems to me it was something converning Mrs Jordan's children./I am not certain

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

about it .

Q. Do you recall whether or not the changes that she suggested were written in the will ?

A. I remember that distinctly .

Q. By whom ?

A. By yourself .

Q. Before it was signed by her ?

A. Yes sir .

Q. Do you recall anything that was said by her regarding this provision of the will--

Mr. Hatch: Let him state what was done .

Witness: I have stated all that I could. I dont remember the particulars at all .

Q. Do you recall any more suggestions that she made except as to Mrs Jordan's children ?

A. I think that she mentioned the Miss Coys. Whether that had been something which had been completed before the will was brought to her or not I dont know. I remember that was mentioned distinctly.

Q. Something about the Miss Coy's ?

A. Yes sir .

Q. Is there anything else that you recall ?

A. I recall several things about what was in the will. I dont know whether it was that that was added to it was

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

brought to her or not. I am not certain about that. A provision was made for Mrs Jordan's children receiving so much money.

Q. Do you remember anything that was said with reference to it ?

A. I remember but I have no distinct recollection .. Not so that I could state . I remember very distinctly that she said something about--

Q. Do you remember anything about this provision of the will:

The reading of any special provision of the will objected to .

Q. Do you remember any conversation regarding this provision of the will, anything that Mrs Talbert said: " I hereby give the following, all of my property, to my son William Herbert Hilton Talbert, because my other children have treated me unkindly ."

A. I do .

Q. What was it ?

Mr. Hatch: I wish an exception to all this .

The Court: Certainly.

A. I remember that Mr. Laing questioned Mrs Talbert on this point about something about making such a disposition .

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Tell what was said so far as you can, on that point ?

A. I cant give the words. I remember Mr. Laing asking Mrs Talbert why she was making such a disposition, giving all her property, and she made this statement: because the other children had acted toward her in a way that was not at all satisfactory to her.

Q. Was anything said about putting that provision in the will

A. Yes sir .

Q. What was said about that ?

A. She wanted it to go in . That is the statement she made .

Q. Was anything said by me abut it ?

A. I dont remember anything at all. Yes I do-- Mr. Laing said he didn't think itwas necessary.

Q. What did she say if anything ?

A. Nothing more than I said. I remember that she wanted that to go in the will.

Q. It was read to her ?

A. It was .

Mr. Hatch: I ask that it be stricken out unless she said she wanted that to go in the will.

The Court: I understand that heMeant that was. Is that so witness ?

Witness: It is .

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. I understand you to say that the witnesses signed the will before Mrs Talbert did. Is that your recollection ?

A. Yes sir, that is my recollection.

Q. The different conversations of Mrs Talbert, after she moved on to Michigan street, and her different acts, which you have described, did they impress you at the time as being rational or irrational ?

A. The conversations ?

Q. Yes ?

A. She spoke as rational as she usually spoke at the time that I knew her from her conversations ?

Cross-examination by Mr. H A T C H.

Q. Do you remember a party of the Mistletoe Club ? that was recently held, within two or three weeks since the commencement of this suit, at which you attended ?

A. I do .

Q. At the house of Mrs Harris .

A. Yes sir .

Q. Do you recollect of Mrs Ford being there ?

A. Yes sir .

Q. Do you know her ?

A. Yes sir .

Q. Do you know Mrs Henrietta Talbert ?

A. Yes sir .

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Was she there ?

A. Yes sir .

Q. Do you recollect that the subject of this contest came up and was discussed somewhat ?

A. I dont remember necessarily this contest; I remember such a subject was discussed; not necessarily this one .

Q. It was not this one ?

A. Not necessarily so .

Q. I simply ask you if it was discussed ?

A. I dont know what subject was in mind .

Q. Did you hear anybody say that Mrs Ford was liable to be a witness up here ?

A. I dont remember .

Q. Did you hear anybody say that they hoped she would tell the truth ?

A. I think I do .

Q. Do you recollect Mrs Ford's reply ?

A. I do not .

Q. Did you hear her say that she was not a church member ?

A. I am not certain about that .

Q. And that she could swear to anything ?

A. I am not certain about that .

Q. Do you recollect anything about it on that subject ?

A. I dont know. I paid no attention to the subject at all .

Peter Paul Book Co., Buffalo

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Are you certain that she did not say it ?

A. No sir .

Q. Have you any recollection as to what she did say ?

A. I have not ..

Q. Did you hear her say that she was not a church member ?

A. I dont remember .

Q. Do you recollect someone saying that there that they hoped that she would tell the truth, dont you ?

A. I do .

Q. But you cant remember any more of that conversation ?

A. I might remember some more of it, but I cant say it to state it to you clearly .

Q. Do you remember that she said in subatance orb affect that she was not a church member, and could swear to anything ?

A. I dont .

Q. Any words implying that ?

A. I did not .

Q. You have no such a recollection ?

A. I have not .

Q. May she have said it and you not heard it ?

A. Yes sir .

Q. Were you paying attention to the conversation ?

A. Not any more than that we were engaged in it in a loose way

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

way.

Q. You have known the Talbert family, or rather you did not know the Talbert family prior to 1892 ?

A. No sir .

Q. So that all your knowledge as to the family has its origin from that year ?

A. Yes sir .

Q. It was not long after you knew the family before Mr. Talbert,s death ?

A. No sir .

Q. Do you recollect your first visit there to see Mrs Talbert

A. I think I do .

Q. When was that ?

A. I dont remember the date at all .

Q. Was she ill at the time you went to see her ?

A. She was not .

Q. Was it in the Summer ?

A. It was .

Q. What time ?

A. In July .

Q. You do recollect the date ?

A. Yes I think it was in July .

Q. What makes your memory serve you now and desert you when I asked the question before ?

THE BUFFALO HISTORY MUSEUM

A. I dont know. The reason I remember this --

Q. Wait a moment. You recollect the date as being July ?

A. No sir.

Q. What month was it ?

A. I dont know .

Q. You dont know the month you visitdd her ?

A. I said in July- the month .

Q. That is what I am asking you about. You told me it was not in July . Now do you know the month you visited her ?

A. I said it was in the month of July .

Q. Was it ?

A. Yes sir .

Q. Do you recollect what time in the month it was ?

A. I dont remember what time of the month .

Q. You hd not been here a great while when you visited her ?

A. I might say it was in the first part of the month .

Q. Why do you fix it as the first part of the month ?

A. Because I came here on the 28th day of June and it was not later than the second week that I was here when I visited Mrs Talbert .

Q. She attended church then ?

A. Yes sir .

Q. Regularly ?

Talbert Papers, B79-4, Box 1.12: Nash Testimony
THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. I would not say regularly, but as regularly as some of the members attended.

Q. How regularly did she attend the church ?

A. I could not say just how regularly .

Q. Once a month ?

A. At least so .

Q. Oftener than that ?

A. I think so .

Q. How much ?

A. I could safely say twice a month ., and more frequently after I first came .

Q. Do you keep a record of the attendance of your parishioners ?

A. No sir .

Q. You visit your parishioners ?

A. I do .

Q. How often ?

A. I visit them at least once in two months .

Q. How many members are there in the church ?

A. About 45 .

Q. You divide your visits up between the membership of the church ?

A. I do not .

Q. You dont make regular pastoral calls ?

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. No sir .

Q. They are irregular ?

A. Yes sir .

Q. Some places oftener than to others ?

A. Yes sir .

Q. So that you have no system about your pastoral calls ?

A. I do have. I make it a rule to visit all of my members once in so long a time.

Q. How long is that ?

A. Once in two months .

Q. So that your recollection is that you have visited Mrs TalberT once in two months anyway because of the system that you followed ?

A. At least that .

Q. You make it a practice of seeing every member in your church dont you ? At least drop in on a friendly visit ?

A. Yes sir .

Q. So that when you testified here in relation to your visits you testified from the system that you followed in making your pastoral calls ?

A. I did not .

Q. You have a distinct recollection of calling on her ?

A. I do.

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. You say you visited her in July. When did you visit her again ?

A. In July .

Q. What time ?

A. It must have been before the third or fourth week .

Q. Why do you think it was this ?

A. I dont know any particular incident that would recall

just why. I know it was before the 4th of July .

Q. Then you visited her twice in July, once before the 4th of July and once again before the third or fourth week ?

A. Yes sir .

Q. What is there that makes you think you visited her twice that
~~x~~ month ?

A. The first time I visited her--

Q. I ask you , what is it that makes you think you visited her twice in the month of July 1892 ?

A. My recollection serves me that I visited her. I might recall that Mrs Talbert had just returned from Oberlin .

Q. In July ?

A. If I mistake not .

Q. You fix it by that ?

A. It seems to me at the time I visited her that she had just returned from Oberlin .

THE BUFFALO HISTORY MUSEUM

Q . Was that the first or second time you visited her in July ?

A. The second . I have nothing else to hang it on, and I am not really positive about that .

Q. You are not positive that you visited her more than once?

A. Yes I am .

Q . Did you visit her again ?

A . I dont know .

Q. Did you visit her in August ?

A. I think I did, but I have nothing to hang it on .

Q. Why are you certain of it ?

A. I dont know .

Q. Is it because of your conversation with Mary Talbert or William that you fix it that you visited her in August ?

A. No sir .

Q. Well what is your own, personal , separate recollection of it ?

A. Yes sir .

Q. Have you got any date in August that you visited her on?

A. No sir .

Q. Did you visit her in September ?

A. I did .

Q. What makes you think that ?

A. I know we had an entertainment at the church, and I went to

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Rochester in that month, and before going to the train I went and saw Mrs Talbert .

Q. In September 1892 ?

A. Yes sir .

Q. You are certain of that ?

A. I am certain so far as my certainity goes .

Q. Which Mrs Talbert did you visit, Anna M. Talbert or Mary Talbert ?

A. I never made any distinct call on Mrs Anna M. Talbert or Mary Talbert ? I went to thehouse, and saw them all . There were times that I had business with Mrs Anna M. Talbert.

Q. What business did you have with her ? When you were going to Rochester ?

A. I had none .

Q. What makes you think you went to see her then ?

A. I have nothing to make me think I went to see her any more than I called at the house and expected to see the family .. That was my custom .

Q. Have you a recollection of seeing her in september 1892 ?

A. Yes sir .

Q. Where was that ?

A. I think in the back parlor .

Q. How long did you stay ?

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. A few minutes .

Q. When was thenext time you visited her ?

A. It must have been when I came back from Rochester .vl dont remember just when .

Q. In september ?

A. I dont know .

Q. Did you visit her in october ?

A. I dont know ..

Q. In November ?

A. I dont know .

Q. In December ?

A. Ibdont know .

Q. In January ?

A. I made it my business to visit my members at least once in two months.

Q. Getting back to theproposition: The only thing that fixes your mind specially that you visited Mrs Talbert, was your general system that you followed , that you called once in two months to see your parishioners; you made that a practice ?

A. No sir .

Q. Why do you say then that you dont know, and you reason all the while that you visited your parishioners once in two months ?

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. Because I want to be truthful, and I have made the statement that I visited her.

Mr. Hatch: I ask that that be stricken out .

The Court: No; we will let it stand .

Q. I have tried to find out how often you visited her. You say at times you have a distinct recollection of visiting her, and you tell me months that you have no recollection of visiting her, and you say you must have visited her in January because of your system of visiting your parishioners once in two months, and I ask you again, is it upon that that you base your recollection- your answers here that you visited Mrs Talbert ?

A. No sir .

Q. What is there about the time in January when you visited her ?

A. Nothing more about that than there was about the other months .

Q. What recollection have you got that you visited her ?

A. I have none, except although it was my custom although I am positive I did . I have nothing to hang it on . I have no knowledge.

Q. So theonly fact upon which you base your statements here that you visited her, is your system or custom of visiting your parishioners once in two months ?

THE BUFFALO HISTORY MUSEUM

A. No sir .

Q. What is it based on ?

A. On the simple fact that I know I visited her .

Q. What time did you visit her in January '93 ?

A. I dont remember just what time .

Q. What did you say to her ?

A. I dont remember .

Q. What time of the month was it ?

A. I dont remember .

Q. Do you know it was in January '93 ?

A. Not according to your knowledge; to your idea of knowledge .

Q. Why do you make the statement that you visited her at time ?

A. I dont know why I make it .

Q. Did you visit her in February 1893 ?

A. I did .

Q. What part of the month ?

A. I dont know .

Q. What was the conversation you had ?

A. I dont remember .

Q. Why do you say you visited her, and you dont remember ?

A. I have no reason more than I am certain of it. My member-

Talbert Papers, B79-4, Box 1.12: Nash Testimony
THE BUFFALO HISTORY MUSEUM

ship is so small that I visit all of my members .

Q. What makes you think that you visited her ?

A. Thats all .

Q. Is it the reason that you always visit your parishioners once in two months ?

A. ----------.

Q. Answer the question ?

The Court: His answers are very cleaf Mr. Hatch. The general proposition that he visited his members once in two months.

A. I would not base all my visits on my system . I make the statement that there are times in my mind that I remember distinctly outside of my general system that I visited Mrs Talbert .

Q. And at all the other times, your statement that you visited her is based upon thefact of a system that you follow in visiting your parishioners once in two months ?

A. I have no objections to it being based on that.

Q. Is it ?

A. I cant say conscientitiously. I make this statement conscientiously that I visited her at least in two months.

Q. I dont care much about your conscience ?

A. I visited her once in two months, and base it on that system that I visited all my parishioners once in two months.

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q.Where was it that you used to visit Miss Nesbitt ? What place ?

A. I used to visit Miss Nesbitt at her home on Oak street .

Q. Where else ?

A. At her home on Clinton street .

Q. Where else ?

A. At her foster -home on Michigan street at Mrs Talbert,s..

Q. You used to visit Miss Nesbitt at Mrs Talbert's ?

A. Yes sir .

Q. What Mrs Talbert,s ?

A. Mary Talbert's, Williams wife .

Q. Was it while she was living at 98 Clinton street that you used to visit Miss Nesbitt there ?

A. No sir .

Q. You never visited MissNesbitt at that place ?

A. No sir .

Q. Where did you visit her ?

A. At Oak street. I dont remember the number .

Q. Any relation to Mrs Talbert ?

A. On Michigan street.

Q. Do you recollect when Miss Nesbitt went to Michigan St ?

A. I do not distinctly .

Q . How often did you visit that house when Miss Nesbitt was there ?

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. Quite frequently .

Q. Was it a frequent occurrence that you would go there and have tea ?

A. No sir, not a frequent occurrence .

Q. Wll how frequently ?

A. I dont know just how frequently. Sometimes I would take tea and lunch. It was not so frequently my boarding place is only a short distance away.

Q. I am speaking now of the visits you used to make in the evening at Mary Talbert's house. Did you have lunch on those occasions ?

A. Sometimes .

Q. Were those pastoral calls ?

A. Not necessarily so .

Q. Were they ?

A. Not necessarily so . The reason I say not necessarily so, is is that oftentimes--

Q. I dont want your explanation .

A. Sometimes I would go there at night and make a pastoral call, and then again it would not be a pastoral call .

Q. I didn't ask you that. Were those evening calls at Mary Talbert's house pastoral calls ?

A. I answered , not necessarily so.

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. can you give any different answer than that ?

A. I give the answer that the call was oftentimes a combined call. I called on pastoral calls, and on other purpose, which are my own affairs.

Q. So that your duties as a pastor, and your own inclinations sometime run together ; is that what you mean ?

A. I hope so.

Mr. Laing: I object to this examination ?

The Court: Sustained.

Q. You knew that Mrs Talbert had a hemorrhage ?

A. I heard them say so .

Q. You knew she was ill in bed ?

A. Yes sir .

Q. Was she not ill when they went from 98 Clinton street to 515 Michigan street, when they moved ?

A. I would not say that she was ill .

Q. She was in bed part of the time ?

A. No sir .

Q. Did you ever see her in bed there at any time ?

A. Yes sir .

Q. Do you know the time that she moved ?

A. Yes sir .

Q. What time was that ?

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. I dont remember the date; Iremember the incident .

Q. Do you remember what time of the year it was in ?

A. I think in the Spring.

Q. What year ?

A. It must have been in '94 I think .

Q. Was she ill at that time ?

A. She was not very well. She was well enough to walk over with me I remember .

Q. Did she walk over with you ?

A . Yes sir .

Q. Did she walk witha cane ?

A. I am not certain about that .

Q. You have seen her with a cane ?

A. Yes sir .

Q. You saw her with a cane at 515 Michigan street ?

A. Yes sir, I think I have .

Q. She moved there in March. Do you remember whether she was confined to her bed by reason of illness in March '94 at any time ?

A. I do not .

Q. Or that she was confined to her bed by reason of illness in March 1894 ?

A. I dont remember distinctly .

Q. What is your best recollection on it ?

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. That she was off and on in bed .

Q. That is from the time they went to Michigan street until she finally died; that was true was it not ?

A. Yes, after she was paralyzed .

Q . I am speaking before .

A. Before the paralyzation ?

Q. Yes , what is your information .

A. Yes, that she was off and on in bed. Up to-day and would be in bed tomorrow .

Q. Have you any recollection as to her visiting church after she was paralyzed ?

A. Yes sir .

Q. How many times ?

A. I dont remember just how many times .

Q. A very few number of times ?

A. I would not say very few. I think she visited church frequently after she moved.

Q. Tell me the first time ?

A. I dont remember the first time indeed . I remember once distinctly.

Q. When was that ?

A. When she came and took the Lord's Supper.

Q. What month was that in ?

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. I dont remember .

Q. Do you recollect of her being at church againm ?

A. Yes sir, several times, but I have nothing to prove why I recollect .

Q. Dont you know the times ?

A. No sir ., but I remember of seeing and speaking to her .

Q. You said in answer to Mr Laing that she was there once that you know of, and you think twice. Is that correct ?

A. Yes sir .

Q. Have you got anything that has impressed it on your mind, to show that you recollect of her being there more than twice after she moved, and before she was paralyzed .?

A. I recall nothing.

Q. You have been to her house and have seen her in bed before she was paralyzed ?

A. Yes sir .

Q. Do you recollect how many times ?

A. No sir .

Q. Do you recollect of having a conversation with Walter Talbert in which you stated that his mother was weak-minded ?

A. I dont know as I ever had such a conversation in which I made such a statement.

Q. Have you ever made such a statement to him ?

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. I didn't know that I had.

Q. If you did make it, was it true ?

A. I dont know. It was simply as she impressed me .

Q. Did she impress you as being weak minded ?

A. She did, at times impress me as a person who was not in the very best of mental condition, at times .

Q. Would you designate it as ' weak minded ?'

A. I may; I would not say I did not make that statement.

Q. Did you make a statement at 52 Potter street to Walter Talbert that his mother was weak minded ?

A. I could not say that I did . I would not say that I did not .

Q. That is what she impressed on your mind, that she was weak minded at times ?

A. It might have been .

Q. Well was it ?

A. I made the statement that I didn't think she was in the very best of mental condition at all times .

Q. I ask you, was it impressed on your mind, that as a matter of fact, in your opinion Mrs Talbert, she at times was weak minded ?

A. Absent minded .

Q. Would you say ' weak minded '?

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. That is what I mean to imply is that she was absent minded; she didn't recall things readily; she was not quick to remember. That is the way she impressed me; that she was absent minded at times; was not quick to recall and so on .

Q. How long had you noticed that Mr. Nash ?

A. All in her last illness .

Q. How long ?

A. Not longer than four months before her death .

Q. During the time that Mrs Talbert was living with her son at 515 Michigan street, were you ever requested by Walter to go to the house ?

A. I think not .

Q. Did he ever tell you that he would like to call on his mother, and that he could not do so ?

A. He has .

Q. Didn't he ask you to go with him to the house ?

A. I told him that I would go. He did not ask me .

Q. Did you ever go with him ?

A. I have .

Q. How many times ?

A. I dont j st remember the number of times .

Q. Were you present when he talked with his mother .?

A. I think I was present once, and if I were, I dont remember

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

the conversation at all .

Q. Do you recollect what his mother said ?

A. No sir .

Q. Or what Walter said ?

A. I remember distinctly of him asking his mother how she was.

Q. Did you ever hear his mother say that Walter had treated her unkindly; did she ever tell you personally ?

A. She never did .

Q. Did she ever tell you that she loved her children ?

A. She never did .

Q. Did she ever speak of the work that Robert had done at 98 Clinton street ?

A. I never heard her speak of it .

Q. Did you ever hear her speak of Robert ?

A. Yes I have heard her mention his name frequently .

Q. As though he treated her in an unkind manner ?

A. Oh no, no, only when some occasion would call for it, she would express herself .

Q. Never heard her say anything against Robert ?

A. No sir, that I can recall .

Q. [illegible] against Walter that you recall ?

A. No sir .

Q. Against Mrs Jordan that you recall ?

Peter Paul Book Co., Buffalo
JAMES P. MOORE, STENOGRAPHER, BUFFALO N.Y.
THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. Yes, I have .

Q. Tell us what it is ?

A. I have heard her say that Mrs Jordan was a disobedient child; that she was unkind in a great deal of her actions toward her.

Q. Did she ever tell you that her daughter had sent her thing to eat ?

A. I dont know but what she has. I would not say she has not.

Q. Did she state then that she was unkind to her ?

A. Certainly not . If she did, I dont remember of her telling me .

Q. Did she ever tell you that her daughter had put up some peaches for her and sent her little delicacies ?

A. I dont remember about her telling me anything about it at all .

Q. Did she ever tell you that any of thre articles her daughter sent her were poisoned ?

A. She never did .

Q. Did she ever say that they were ' tricked ' ?

A. No sir.

Q. Or that they were ' hoodooed ' ?

A. No sir .

Q. Did you ever hear her speak of Mrs Jordan in that way more than once ?

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. In what way ?

Q. That she was disobedient ?

A. Yes sir .

Q. How many times ?

A. I dont recollect .

Q. Do you recollect who was present when she said that ?

A. I dont recall distinctly .. I am certain that at times two ladies who are usuall y in the family who were present.

Q. Who were they ?

A. Sarah and Emeline Coy.

Q. Was Mary Talbert present ?

A. I suppose she was .

Q. Was William there ?

A. I think not .

Q. You know there was a personal feeling between Mary and Ada Jordan, did you not ?

A. Yes sir .

Q. Did you ever hear Mary Talbert speak of Ada Jordan ?

A. I have heard her speak of Mrs Jordan in way of rebut .

Q. What did she say ?

A. I dont remember the words she used at all .

Q. Give us them in substance ?

A. Mrs Jordan had no good feeling for her and would not do

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

anything for her success in life, but would be willing to do something for her adversity. That is about the substance .

Q. Did you ever hear Mary Talbert say this more than once ?

A. I have heard her say it frequently when occasion demanded it .

Q. Did you ever hear her say it in the presence of Anna M. Talbert ?

A. I have .

Q. Can you recollect any of the words that she spoke adversely to Mrs Jordan ?

A. No sir .

Q. Did you ever hear her speak of Robert Talbert ?

A. Who Mary Talbert ?

Q. Yes ?

A. I have .

Q. What did she say about him ?

A. I have heard her speak of him in both ways. In a very kind way and then in a way of retaliation, and I have heeard her speak of him in a very unkind way.

Q. In the presence of Anna M. Talbert ?

A. Yes, she would be there in the house .

Q. Did you ever hear Mary Talbert speak about Walter ?

A. Yes sir .

Q. How ?

THE BUFFALO HISTORY MUSEUM

A. In a way that she was almost compelled to because of the feeling that existed between them.

Q. It wasadverse to him was it not ?

A. Oftemtimes she would hear things he had said about her that appeared to her detriment, her character, and she would speak about him in a way that was not pleasant about him .

Q. What did she say ?

A. I dont remember .

Q. Were those words, did she speak them in the presence of of Anna M. Talbert ?

A. Sometimes they would be and sometimes they would not .

Q. Was it frequently the case that you heard things of that kind that you dont now remember that Mary Talbert spoke about the children- Ada, Walter and Robert ?

A. About them ?

Q. Was that a frequent occurrence ?

A. I dont know it to be frequent, except when I said that occasions would demand it,

Q. Did occasions demand it once in a while ?

A. From a human standpoint, I would say yes .

Q. Then you heard her express herself adversely to Ada, Walter and Robert ?

A. Yes sir .

Q. In the presence of Anna M. Talbert ?

A. Yes.

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. At times not always . I have never known her when she expressed herself to be particular where shewas. she has expressed heself in the house where I lived and at different pkaces.

Q. Did you ever attempt to reconcile the differences that existed between them ?

A. As near as I possibly could .

Q. Did you go to the children ?

A. I did .

Q :And to her ?

A. Yes sir .

Q. Did you ever have any success ?

A. Well this action would answer- no .

Q. Who did you talk to, walter ?

A. With them all .

Q. And to Robert ?

A. I never talked much to Robert at all. I have talked to his wife.

Q. You have talked to Ada Jordan ?

A. I have .

Q. More than once and twice ?

A. Yes sir .

Q. At different times ?

A. Yes sir .

THE BUFFALO HISTORY MUSEUM

Q. What was the difficulty ?

A. To be reconciled ?

Q. Yes ?

A. Well Mrs Jordan's objection is a mixed objection. She was not in one thing.

Q. State it ?

A. Sheobjected to being reconciled, because im her mind her mother had no desire to be reconciled.

Q. was it between her mother and herself ? was this a reconciliation between her mother and herself ? Between the mother and Mrs jordan. Did you ever talk with Mrs jordan about reconciliation with her mother ?

A. Most assuredly I have .

Q. How many times ?

A. I dontknow .

Q. Where ?

A. In her house on Potter street, and when she used to visit the house where I used to board; at 48 Potter street.

Q. was not the difficulty that existed rather between Mary Talbert and Ada Jordan rather than between Ada and her mother

A. I did not so regard it .

Q. You regarded it in another light ?

A. Yes sir .

Q. Your efforts were directed in another way ?

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. Yes sir .

Q. Yet you never heard Mrs Talbert say anything against Ada Jordan except that she was a disobedient child ?

A. I dont remember of anything else. That was enough and demanded an explanation.

Q. You recollect when Mary Talbert went to Oberlin, do you not ? When her baby was born ?

A. I was not in Buffalo.

Q. The last time she went there ?

A. The last time was when she went to bury her father, last Winter I think .

Q. When she went there in 1893 ?

A. No I dont remember aboutit . I remember that she went .

Q. Do you know where Anna M. Talbert staid while she was gone

A. Yes sir .

Q. Where ?

A. At the Miss Coy's .

Q. Who else lived in that house ?

A. Mrs Jordan .

Q. Ada Jordan ?

A. Yes sir .

Q. The daughter of Mrs Anna M. Talbert ?

A. Yes sir .

Q. Did you visit that house while Mary Talbert was gone ?

A. I thinkso did

Peter Paul Book Co., Buffalo

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. I think I did .

Q. Did you see her mother there with her ?

A. I did .

Q. What was therelationship that existed between them ?

A. It seemed to be friendly .

Q. Very friendly ?

A. I would not say;so;as much as was necessary.

Q. Did you hear of any disturbance of any kind between Mrs Talbert and Mrs Jordan ?

A. No sir I did not .

Q. Dont you know that Mrs Jordan put up some peaches about that time ?

A. I dont remember about it . I have no doubt that she did.

Q. Dont you know that Mrs Jordan and her mother went to different places together ?

A. I believe that they did . I dont know it. I didn't see them go. I believe they did from what Mrs Jordan told me, that she went around with her mother.

Q. Did you hear Mrs Talbert say anything against Ada at any time ?

A. I did not .

Q. Do you know how long she staid there ?

A. I do not .

THE BUFFALO HISTORY MUSEUM

Q. How many weeks ?

A. No sir .

Q. Do you know where Anna M. Talbert went after Mary Talbert got bak from Oberlin ?

A. Yes sir, to 98 Clinton street .

Q. Where Mary Talbert was ?

A. Yes sir .

Q. Did you ever see Ada Jordan and her mother together at different times except at the Miss Coy's ?

A. No sir; I dont remember.

Q. Did you ever hear of the destruction of a will Mrs Talbert had made ?

A. I did .

Q. Did Mrs Talbert tell you about it ?

A. No sir .

Q. Did you ever ask her about the subject ?

A. No sir .

Q. Or had any conversation with her about it at all ?

A. No sir .

Q. Do you recollect the ~~xxxxxxxxxx~~ theuble that arose at 98 Clinton street between William and Robert ?

A Yes sir .

Q. You knew of it ?

Talbert Papers, B79-4, Box 1.12: Nash Testimony
THE BUFFALO HISTORY MUSEUM

A. Yes sir .

Q. Did you visit Michigan street after that trouble ?

A. I did .

Q. Did you see William Walker ?

A. I did .

Q. Did he show you his head ?

A. I saw it .

Q. Did you see the clothes that he wre ?

A. Yes sir .

Q. Where was it that he showed those ?

A. I dont remember of him showing them to me .. They were in the woodshed.

Q. Took you out there to show them to you ?

A. I think he brought them to me .

Q. His mother was there ?

A. I think she was .

Q. He told you what happened ?

A. Yes sir .

Q. Tha t Roberv tried to kill him ?

A. I dA. I dont know the words he used at all.

Q. Can you recollect the substance of what he said ?

A. That he hit him in thehead with a cuspidore.

Q. Anyone else ? Or anything else ?

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. That was about the substnce of it .

Q. He stated that he was blameless in the matter .

A. I dont remember of him making such a statement .

Q. Didn't he tell you that Robert was the aggressor .?

A. I dont know as he did .

Q. What is your best recollection ?

A. I dont remember having any more conversation with William Talbert any more that him showing me the wound and the clothes.

Q. You talked over thematter there, did you not ?

A. I dont know as we had any extended conversation about it .

Q. You looked over the clothes ?

A. Yes sir .

Q. And saw his head ?

A. Yes sir .

Q. You must have had some talk about it ?

A. Yes sir .

Q. Did Mrs Talbert, his mother, say anything about it, or did she joinnin the conversation in any way ?

A. I dont remember of her saying a word .

Q. Was Mary Talbert there ?

A. I dont remember .

Q. You cant remember the conversation ?

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. I remember the gist of the conversation.

Q. Have you any recollection of Mrs Talbert being confined to her bed between the months of March and September 1894 at 515 Midigan street ? Other than you have stated that she was in and out of bed .?

A. I do not have any distinct recollection of any particular time.

Q. Did you see her out on the street ?

A. Yes sir .

Q. Between March 1894 and when she was paralyzed ?

A. I did .

Q. Whereabouts ?

A. In frontbof the house .

Q. I mean about at theneighbors ?

A. No sir, I didn't see her at the neighbors myself.

Q. When the will was executed she was in bed ?

A. Yes sir .

Q. How long had she been confined to the bed then according to your best recollection ?

A. I dont know indeed .

Q. Was she so sick that she had to make her mark ?

A. I dont know what the reason was; I know she made her mark on the will .

THE BUFFALO HISTORY MUSEUM

Q. That statement is true, is it, that she made her mark on the will ?

A. I saw her take her pen and do something. I didn't look to see whether she wrote her name of made her mark.

Q. Who held the pen ?

A. I dont remember .

Q. Did anyone hold it ?

A. I dont remember .

Q. Who held her up ?

A. It seems to me that she sat up herself . I am not certain about it .

Q .Did she write ?

A. I dont know. I saw her take the pen.

Q. Did you see the mark ?

A. No sir .

Q. What was her arm resting on ?

A. I dont remember that .

Q. What was the paper resting on ?

A. I think Mr. Laing held the paper, if I am not mistaken.

Q. What did he hold it on ?

A. I dont remember .

Q. You say that the reason that she made her mark was that she had been making her mark ?

Talbert Papers, B79-4, Box 1.12: Nash Testimony
THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. What was the way she was doing her business then .

Q. Did you say in answer to Mr. Laing that she was making her mark ?

A. Yes sir .

Q. Was that true ?

A. I dont know. I didn't know whether she made her mark or wrote.

Q. Why did you say that she made her mark ?

A. It was in my mind that it was her customary way of signing documents.

Q .So you swore what was in your mind rather than what you saw her do ?

A. What I knew from custom; that is what I swore to .

Q. And from what you knew from her custom rather than what you saw her do there ?

A. I saw her use a pen; whether she made her mark or wrote.

Q. Did you swear from what you understood was her custom rather than from what you saw her do when she made her mark?

A. No; I meant from what I saw her do . That is what I saw her do .

Q. Then you saw her make her mark ?

A. I saw her use the pen. She signed her name in some way.

Q. Did she sign her nme ?

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. Eithr r by mouth; or signed her nme .

Q. Did you say that she made her mark or signed her name ?

A. One or the other .

Q. So you dont know whether you testified correctly when you told Mr. Laing that she made her mark ?

A. I am not positive. I am correct in my statement that she signed the will.

Q. Is all the statements that you have mde here as true as that statement that she madeher mark ?

A. I hope they all are as true as the statement that she took the pen and signed the will. I dont know whether by mark or signature . I didn't know .

Q. Whether it is true or mot ? Who was in the room when she made her will ?

A. William Talbert, Mr. Laing and another gentleman who accompanied Mr. Laing. I dont know what his name is. I dont recollect what his name is .

Q. Who else ?

A. I dont remember .

Q. Was Mary Talbert there ?

A. No sir .

Q .What makes you think that ?

A. I didn't see her there .

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Did you see anyone else there ?

A. It seems to me that someone else was in the room or passed through the room. I am not certain about it .

Q. All you recollect to a certainmity who was there, are Mr. Laing, William Talbert and Mrs Talbert, yourself and this other gentleman ?

A. Yes sir .

Q. Did William hold her up when she used the pen ?

A. I dont know .

Q?. Why is it that you refeused to sign your nme as a witness ?

A. I have stated my reason as I did not approve of the action .

Q. What action ?

A. I didn't approve of what the will stated. I didn't approve of the disposition that had been made in the will.

Q. Who read the will ?

A. Mr. Laing .

Q . Was it already made ?

A. part of it must havebeen. Mr. Laing seemed to complete the will there.

Q. Was the typewriting all done ?

A. I think it was, though I am not certain about it .

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Mr. Laing wrote something in thr will ?

A. Yes sir .

Q. Do you know what it was that he wrote ?

A. I dont remember exactly; something concerning Mrs Jordan I remember; something concerning the Miss Coy's also. I dont know whether he inserted that or not..

Q. He didn't have a typewriter did he, there ?

A. No sir .

Proeedings adjourned to 2-30 P:M.

J E S S E N A S H, recalled as a witness.

By Mr. H A T C H.

Q. What time was it in the evening that they sent for you that Mr. Laing came ?

A. I dont remember as it being in the evening .

Q. I understood you to say that it was the evening that the will was signed ?

A. No sir .

Q. When was it ?

A. It seems to me it was made in the late morning or in the early afternoon . That is as near as I can remember .

Q. You are certain it was not in the evening ?

A. Yes sir .

Q. Was it after dark ?

A. No sir .

THE BUFFALO HISTORY MUSEUM

Q. You say you were sent for by Mr. Laing. Who came after you ?

A. I dont remember .

Q. Was it William Talbert ?

A. It may have been .

Q. What is your best recollection .

A. I dont remember . Mrs Talbert had a girl there; she may have come.

Q. Was it her ?

A. I dont know. I have no recollection as to who came .

Q. What did the messenger say to you ?

A. The messenger stated that Mr. Laing wished to see me at Mr. William Talbert's house.

Q. You recollect what was said to you ?

A. Yes, the substance ..

Q. You dont recollect and have no impression as to who the messenger was ?

A. No sir .

Q. Where were you then living ?

A. No. 48 Potter street .

Q. Do you remember what year this was in ?

A. In 1894 I think .

Q. What month was it in ?

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

A. I dont remember .

Q. Was it in the Spring time ?

A. I think iTwas in the Summer .

Q. Do you know what month ?

A . No sir .

Q. Or have no impression ?

A. No sir .I took no notes ofit .

Q. Did you go to the house with the messenger .

A. No sir.

Q. How long after you were notified did you go to the house?

A. It could not have been more than five or ten minutes.

Q. Did you know you were to be sent for ?

A. No sir .

Q. Had anyone talked to you about the will ?

A. No sir .

Q. Or about being a witness to the papers ?

A. No sir .

Q. Did you know Mr. Laing ?

A. I knew him as a lawyer. I am not now, or I was not then personally acquainted with him .

Q. Had you seen him at the house before ?

A. Yes sir.

Q. How many times ?

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

A. I dont remember .

Q. Were you there when another paper was signed ?

A. I may have been, but I didn't know anything about it.

Q. Do you recollect anything abut ?

A. No sir .

Q. Did you know Mr. Laing was the attorney for William Talbert ?

A. If I heard I knew it .

Q. You saw him at the huse ?

A. Yes sir .

Q. Heard him talk about business matters there didn't you ?

A. I didn't .

Q. Then you had no idea whatever what you were sent for ?

A. I am certain I didn't.

Q. Did you go in the basement door ?

A. I dont remember what door I went in .

Q. What room did you go into first ?

A. As I remember, I went into the small room off the parlor; I think I did .

Q. Who opened the door for you ?

A. I dont remember that .

Q. Who met you as you first went into the house ?

A. I dont remember .

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. As I remember, Mr. Laing opened those papers and began to tell Mrs. Talbert that he had completed the business of the will, or something to that effect, and he began to read it to her.

Q. Read what ?

A. The document that he had.

Q. What kind of a document did he have ?

A. In regards to what ?

Q. As to the description of it ?

A. It was a piece of paper with typewriting on it .

Q. Typewriting ?

A. Yes sir .

Q. Any other kind of writing on it ?

A. I dont think until he put it on at the request of Mrs Tabert .

Q. He read something from the paper ?

A. Yes sir .

Q. Who did he read it to ?

A. Mrs Talbert .

Q. You heard it ?

A. Yes sir .

Q. Was she lying in bed then ?

A. Yes sir .. She was in bed. I am not positive as to whether she was lying or not

THE BUFFALO HISTORY MUSEUM

Q. What was thenext thing that happened ?

A. It seems to me that Mr. Laing asked Mrs Talbert if it was just as she wanted. She saidit was, on condition that he would make the changes that she suggested regarding--

Q. What did she say ?

A. That the will was as she wanted it on condition that he would make the changes suggested regarding Mrs Jordan's children and some other things which I dont remember .

Q. Regarding Mrs Jordan's children, what further did she say about the will ?

A. As I stated this morning, I am not positive. It may be that shementioned the Miss C oy's, and some other things.

Q. Dont you recollect anything else than you have stated ? The change that she wanted ?

A. That she asked Mr. Laing, or said to him ?

Q. Yes.

A. I recall nothing else that is definite.

Q. All the changes you heard she wanted was the changes about Mrs Jordan's children, and possibly the Miss Coy's ? and, is that it .

A. As regards the will there were stamements and conditions that she made--

Q. I ask you what she said ?

A. I know the question came up about the ~~exxxxxx~~ propriety

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

of her making a will like that.

Q. Who spoke of that ?

A. I dont remember whether it was her or Mr Laing..

Q. What was said by Mrs Talbert ?

A. I dont remember just her language but I remember the statement that she made and said notwithstanding the will that she wanted it to go in the will, why she made it as she did. That she wanted it to be put in the will that she had bequeathed the property to her son William because the other children had treated her unkindly .

Q. Was that what you said this morning ?

A. Maybe it is not, but that is what she said ..

Q. Have you seen the will since your examination this morning ?

A. No sir , or didn't talk with anyone .

Q. Didn't you go out with William Talbert?

A. Yes sir .

Q. Didn't you talk about this business her to-day, the trial?

A. No sir .

Q. You recollect now that she did say was the reason why she left the bulk of her property to William Talbert was because her other children treated her unkindly ?

Talbert Papers, B79-4, Box 1.12: Nash Testimony
THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. She did .

Q. In those words ?

A. I would not say that she used those words, but I should swear to those in substance, that was her statement .

Q. Didn't you say to-day to Mr. Laing when h asked you on that subject, didn't you state that Mr Laing asked Mrs Talbert why she was making this disposition of her property ?

A. I think I did .

Q. Is that true ?

A. I think so .

Q. Do you know ?

A. I think so .

Q. Is that as strong as you want it ?

A. As strong as I want it .

Q. And that she answered, that she did it because the treatment of her other children had not been satisfactory to her ?

A. I did . Had been unkind and unsatisfactory .

Q. Is that what she said ? Did you so state to Mr. Laing after he asked her why she was making this disposition of her property , if she did it because of the treatment of her other children, that it had not been satisfactory ?

A. I made that statement.

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Is that true ?

A. Yes sir. I wont say that is true in words; in substance it is .

Q. You stated that she said they treated her unkindly ?

A. I am certain she did .

Q. Are you certain she used the word ' satisfactory.' ?

A. No sir .

Q. Not certain of that ?

A. No sir .

Q .Now you say the reason she said xhs was that her children treated her unkindly ?

A..Yes sir .

Q .Those were the words she used ?

A. Yes sir . As I remember .

Q. Was this will read in an ordinary tone of voice ?

A. I think so .

Q. As loud as we are talking now ?

A. I dont know as we are talking so as it could be understood ..

Q. In an ordinary tone was it read ?

A. Yes sir .

Q .After she had stated that what was the next thing said ?

A. After that statement was made, then the will was read as completed.

Peter Paul Book Co., Buffalo
JAMES P. MOORE, STENOGRAPHER, BUFFALO N. Y.
THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Who filled in the writing; who wrote in the will; who made the change ?

A. Mr Laing .

Q. You are certain about that ?

A. I am certain that he took thepen and at her suggestion he wrote .

Q. Whose aggestion ?

A. Mrs Talbert's .

Q. Did she suggest everything that he put down,do you know ?

A. She did .

Q. You saw him writing in the will ?

A. Yes sir .

Q. You heard her suggest word for wprd what he wrote down ?

A. What he seemed to be writing .

Q. When he read it over, you recollect that the writing which he did, were the words that she told him to put in the will ?

A. I think; I did, in that time. It was a few words.

Q. She directed to him what should be put in the will and he wrote it ?

A. Yes sir .

Q. Was there any table in the room ?

A. There may have been .

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. was there ?

A. I am not certain about that ..

Q. Where was Mr Laing when he wrote it ?

A. It seems to me that he was standing at the bedside-either standing or sitting . I dont think he used the table. I am not certain about it .

Q. What did he have to rest thepaper on ?

A. I dont know .

Q. You dont know whether he was standing up or sitting down or what he had to rest the paper on ?

A. No sir, I paid no attention to it .

Q. Was there any ink in the room ?

A. I am certain of that ..

Q. Where was that ?

A. If it was anywhere else it was in his fountain pen that he uesed.

Q. Did you see any ink there ?

A. I saw the result of ink .

Q. Did you see any ink in the room ?

A. I saw Mr Laing writing and the result of his writing was ink. I think he used a Fountain Pen .

Q. Did you see any ink in the room ?

A. I dont remember seeing any ink more than that .

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Do you recollect of any table being around there anywhere ?

A. I dont remember whether there was or not .

Q. Did he stand up or sit down when he wroet ot, or when he rested the paper on anything?

A. No; I dont remember .

Q. You saw him have a pen ?

A. Yes sir .

Q. Do you know whether it was a fountain pen or not ?

A. No sir.

Q. You didn't examine it ?

A. No sir .

Q. Did anyone go out for any ink ?

A. I am not certain that anyone did or not .

It is like a dream to me- the whole thing .

Q. Have you any recollection that they did .

A. No sir .

Q. Or that they didn't ?

A. No sir .

Q. No recollection on that subject ?

A. Not that part of it .

Q. What did William Talbert say ?

A. I dont remember what he said .

Q. Did he say anything ?

MOORE, STENOGRAPHER, BUFFALO N. Y.

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. I think he did .

Q. can you give us some odea of what he said ?

A. I dont remember in what connection whatever the statement he made. It seems to me that he called his mothersattenti on to something that she was a little hard to understand why he called her attention to and he amused her so that she might be aroused to thoroughly [illegible] Mr. Laing was saying.

Q. was it hard to make her understand ?

A. She seemed to be a little hard of hearing .

Q. How did that arouse her ? What did he say ?

A. We simply called her by name and expressed to her what Mr Laing had said .

Q. Who was that ?

A. William Talbert .

Q. He acted as Mr Laing's mouth-piece ?

A. We did not .

Q. Did you say that he expressed what Mr Laing said ?

A. In arousing her at times .

Q. Then she had to be aroused, had she, during the time this was going on ?

A. I dont mean to say by that that she was in a stupor .

Q. Did he take hold of her ?

A. No sir .

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Did he speak to her?i ~~xxx xxx~~ ' ?

A. Yes sir .

Q. Loudly ?

A. Yes sir .

Q. What did he say ?

A. I dont remember what he said or in what connection he was speaking.

Q. What did she say ?

A. She would continue her conversation with Mr Laing, after he would speak to her, that she might thoroughly understand what Mr Laing had said- Mr Laing might have asked her a question. I was going to tell you if you asked me, so far as I could .

Q. Was this during the reading of the will that this occurred ?

A. I am not certain whether it was in the reading of the will or when the suggestions were being written .

Q. When her suggestions were being written or when the will was being written ?

A. I am not certain of that .

Q. Were there times when she would cease to talk ?

A. Certainly.

Q. What did Mr Laing say that interested William Talbert's

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

speaking to his mother loud; what was one thing ?

A. Anything that William Talbert said to Mr Laing what his mother said .

Q. What was that ?

A. It was relating to a part of the will that had to do with the Miss Coy's- the gift to the Miss Coy's, as I remember.

Q. What was it that he said ?

A. I dont remember the particulars at all .

Q. Something that William Talbert said to Mr Laing that his mother had stated ?

A. Yes sir .

Q. Was it difficult to understand what she said ?

A. Sometimes ..

Q. Now just tell me what you mean by the term ' roused'?

A. I meant by roused that if I will be speaking to you and Mr. Durand was better acquainted with myself, that he could more thoroughly arouse you you to what I meant than myself.

Q. As I understand then Mr Laing would say something and William Talbert would speak to his mother what Mr Laing had said ?

A. Not habitually so ? As occasion demanded it .

Q. During this transaction ?

A. Yes sir .

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. How frequently did that occur ?

A. Not very frequently .. There was not much said only when the will was being read .

Q. Then when Mrs Talbert would answer ~~what~~ would William Talbert tell Mr Laing what she said ?

A. As I remember it, it was as much one way as the other, when he did speak, and she would substantiate the statement on either side- if Mr. Talbert told told Mr Laing or Mr. Talbert told hismother what she substantiated whether she had heard and what she said.

Q. When they spoke about Ada's children did William Talbert speak to his mother ?

A. No I dont remember hm speaking a word .

Q. Did Mr Laing speak to her ?

A. I think he said nothing more than is ' this as you say' and so on . I dont remember anything else .

Q. Did Mrs Talbert volunteer the statement about Ada's children ?

A. She did . She stated to Mr Laing that is what she wished, as far as I can remember.

Q. Did Mr Laing understand her or did Mr. Wm. Talbert state what she said ?

A. No, Mrs Talbert stated it and Mr Laing took it as she dictated it .

THE BUFFALO HISTORY MUSEUM

Q. You understood that yourself ?

A. Yes I understood most everything Mrs Talbert said .

Q. When she stated that her children had treated her unkindly did William Talbert speak after her and tell what she said ?

A. No sir he did not .

Q. Why didn't he do it then ?

A. Occasion didn't demand .

Q. Why ?

A. Because the occasion did'nt demand it. Mr Laing fully understaood what shesaid and he didn't need to be assisted.

Q. You say the occasion didn't demand it ?

A. I mean that the particular point didn't any more than Mr Laing thoroughly understood what was said. Whatever Mr Talbert said to Mr Laing Mr Laingwould ask Mrs Talbert was that as she wanted it; was that right. Whatever Mr Talbert said to Mrs Talbert Mr Laing would also ask her the same . I took particular notice of that.

Q. William Talbert was the person who would speak for his mother when the occasion required it ?

A. He was .

Q. And when youvsay the occasion required it was when she would not understand ?

A. She would not understand or she would not make Mr Laing

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

understand.

Q. She could not make Mr Laing understand what shewanted ?

A. When she could not .

Q. Mrs Talbert was deaf was she not ?

A. I have no reason for saying so .

Q. She could understand as well as anyone?

A. I dont think she could understand as well as anyone . Her health was impaired and had its effect on her.

Q. She was very weak ?

A. I dont think she was very weak, but I think she was weak.

Q. Did her mind wander any ?

A. Not at that time seemingly at all .

Q. Then I cant even yet understand what you mean by the occasion required William Talbert to interpret what his mother said; I dont understand that .

A. Just as a large extent what I was trying to explain to you this morning. That is what I mean. Nothing more than that. Not that she was in a stupor or sleeping but that she could recognize the voice of the son more readily than she could someone else . That is what I mean .

Q. She would recognize what William said more readily than she would anyone else ?

A. No sir. She would recognize the voice of the son more readily than anyone else .

Peter Paul Book Co., Buffalo

THE BUFFALO HISTORY MUSEUM

Q. She could understand his voice better than any one else's? Would she sink back when some questions were asked her ?

A. No s

Q. And remain in a silent condition until something else was asked ?

A. No indeed, no sir .

Q. Explain if you can the condition that obtained there ?

A. I cant give you any more infomation than I havw given .

Q. During the reading of this will and the questions that were asked of her how often would William Talbert, or how often did he tell Mr Laing what his mother hd saaid ?

A. I dont just remember how may times .

Q. did it extend all through the time the will was being read? Until it was signed from time to time ?

A. No, I would not say that, that it extended all through at all . It seems to me that it was simply in the part that was being dictated at the time . Mrs Talbert didn't speak plainly at times, and it was only now and then that I could understand correctly .

Q. Do you know the reason why she didn't speak plainly ?

A. Nothing more to ,my mind than that her healch was naturally impaired and she was effected by it .

Q. Did her attention seem to be directed anywher else during the times than from what was going on ?

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

A. No.

Q. Did you see her face ?

A. Yes sir .

Q. All the time ?

A. Yes sir .

Q. Was it toward the people who were there ?

A. Yes. I dont remember whether she was sitting up or lying down.

Q. After William Talbert had told MrvLaing what she said about the Coy's, what was the next thing that was done ?

A. After that was completed the will was read as completed and after the will was read by thepersons, I was asked myself

Q. I have not got to that ?. Was not the will read through first ?

A. Yes sir .

Q. By Mr Laing ?

A. Yes sir .

Q. Before the correction ?

A. Yes sir .It was read through or read to a certain place I am not certain about it.

Q. Was it not read through without any hesitation ?

A. Whether it was read through to where she wanted the change made or read through, I am not certain .

Q. So you dont recollect whether it was read through first

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

or whether it was read partially and then a change made and then read until the other change was made, you cant tell ?

A. I dont remember distinctly at all .

Q..Do you recollect it was read through ?

A. It was supposed to be when it was completed, after it was finished. After Mrs. Talbert had finished dictating Mr. Laing read the will.

Q. You dont know whether it was read through before the changes were made ?

A. No sir .

Q. Didn't you state a short time ago that it was read thro' before the changes were made ?

A. It may have.

Q. Was it read through before the changes were made ?

A. Not before the changes were made . During as the changes were being made, I am positive that when the last change was made the will was read through .

Q. The will was read a little ways and then the change was made, and then read until a further change was made and then read entire . I dontknow whether it was read before anychanges were made. I am not positive about it, and yet I think it was, and Mrs Talbert was asked if that was what she wanted and she said yes.

MOORE, STENOGRAPHER, BUFFALO N. Y.

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Who asked her that ?

A. Mr Laing .

Q. Did William ask her ?

A. No sir .

Q. How do you know ?

A. Nothing more than I heard .

Q. Have you any spedal reasons ?

A. It comes entirely to mind that he finished reading, and he said, " Is that what you wanted.?".

Q. Then William didn't say anything af er his mother ?

A. No sir .

Q. And she said it is not what I wanted it ?

A. She said " I want to do this, I want to do this, this is the way she expressed herself, and began talling what it was.

Q. Did William say anything ?

A. Not at that time at all .

Q. Where was he standing ?

A. At the foot of the bed .

Q. Where did you stand ?

A. At the head of the bed . with my back toward the wall .

Q. Where did Mr Laing stand ?

A. In front of me .

THE BUFFALO HISTORY MUSEUM

Q. Where was the other gentleman ?

A. A little to theleft of Mr Laing . I am not certain about it .

Q. Was Mrs Talbert lying down when the will was signed ?

A. No sir .

Q. Was she sitting up ?

A. She was in bed in a position, I think she was sitting up in the bed.

Q. Was the paper handed to her ?

A. I think Mr. laing held the paper in a position for her to touch her signature .

Q. Who gave her the pen ?

A. I dont remember who gave her the pen, it might have been William, Mr Laing or the other gentleman .

Q. You were sitting right where you could see onto the paper ?

A. Yes sir . Ibould see everything on it .

Q. It was daylight ?

A. Yes sir .

Q. You could see in the room that it was a typewritten document ?

A. Yes sir .

Q. She held the pen in her hand ?

A. Yes sir .

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Could you see whether she signed her name or made her mark ?

A. I didn't pay any attention to it whatever . I noticed she took the pen and made the motion .

Q. Why did she make the mark ?

A. In my mind it was her custom to do business in that way and naturally I thought that was done .

Q. You have understood since the examination this morning that she wrote her name ?

A. By your argument thats all .

Q. You understand that is so ?

A. I have not received any explanation at all concerning the will .

Q. So you dont know yet as to whether she signed her name or made her mark to the will ?

A. I am not positive about it .

Q. What else was asked her at that time ?

A. After she wrote her name, I dont remember just now what else was asked her .

Q. Was there anything ?

A. I dont know .

Q. Did she say anything after she had written her name ?

A. I dont recall .

Q. Or did Mr Laing say anything ?

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. I dont recollect .

Q. Did anyone else sign the will besides herself ?

A. Mr Laing and the gentleman who was there .

Q. You do recollect that ?

A. That is an important thing. I didn't let that thing out of my mind .

Q. Do you remember ?

A. Yes, I saw them take the pen and use it .

Q. Did she say anything about Mr Laing signing the will ?

A. I think not .

Q. Are you certain about it ?

A. No sir I am not . I dont recall anything.

Q. Did she say anything about this other man signing the will ?

A. I think not .

Q. You know a man by the name of Fink ?

A. That might be the gentleman who was with Mr Laing .

Q. Was it ?

A. I think it was .

Q. Did she say anything about him signing th e will ?

A. No sir; I dont recollect .

Q. Who asked you to sign the Will ?

A. Mr. Laing.

Q. Did Mrs Talbert ask you ? A. No sir .

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Did Mrs Talbert ask anyone to sign the will ?

A. I think she did .

Q. When did you have that thought strike you, just how ?

A. No sir .

Q. What did she say ?

A. It seems to me that Mrs Talbert wanted someone to sign the will, andher conversation was with Mr Laing .

Q. What did she say ?

A. I dont recall the words she said .

Q. Give us them in substance ?

A. That she wanted someone- myself - in substance, to sign the will.

Q. Didn't you say just now that she wanted someone to sign the will ?

A. She expressed a desire to Mr Laing but didn't speak to me .

Q. Did she want you to sign the will ?

A. I dont know whether she did or not .

Q. Didn't you hear her say to Mr Laing that she wanted you to sign the will ?

A. She spoke to someone but I didn't know whether she called my name. Mr Laing and she talked about it and after they were through talking I was asked to sign the will .

Q. Who asked you ?

JAMES P. MOORE, STENOGRAPHER, BUFFALO N. Y.

THE BUFFALO HISTORY MUSEUM

A. Mr Laing .

Q. Did you hear Mrs Talbert ask him to hae you sign it ?

A. No sir .

Q. What was the talk between Mr Laing and Mrs Talbert ?

A. It was regarding those who were to be witnesses .

Q. What was it ?

A. I dont know what it was .

Q. Give it to us in substance ?

A. It was to ascertain who she should get to sign the will and it seems that they wanted me, and I got from what she said, and after Mr Laing spoke to me, she must have spoken to him about me signing the will. I dont know what they were talking about.

Q. Yet you sat there within a foot of the bed, right up at the head of the bed. Could you not understand what she said?

A. Yes, if I had been paying particular attention to it .

Q. Could you have helped hearing what she said ?

A. Yes sir .

Q. How ?

A. By not paying strict attention . It maybe that I heard every word she said, but I dont recollect it now .

Q. How far were you from the bed ?

A. I dont know .

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

About eighteen inches .

Q. Could you have touched her with your hand ?

A. I think so .

Q. You dont mean to be understood here as swearing that she didn't ask you to sign the will or that she didn't ask Mr. Laing to ask you to sign the will ?

A. I dont remember it . I am not certain .

Q. You dont remember anything on that subject at all ?

A. I dont remember it .

Q. Did anyone say anything to you why you were brought there

A. No sir .

Q.. Afterwards ?

A. No sir .

Q. Where was Mary Talbert ?

A. I dont know .

Q. Did she come in the room at all ?

A. No sir .

Q . She was not there ?

A. She was not in the room.

Q. She didn't come in the room ?

A. No sir .

Q. How long did this take ?

A. I should say not more than a half or three-quarters of an hour .

THE BUFFALO HISTORY MUSEUM

Q. Did it take that length of time ?

A. I think so .

Q. One half or three quarters of an hour ?

A. I think so .

Q. That is to read the will, talk to Mrs Talbert, tell her about it and sign it, it took from one half to three-quarters of an hour ?

A. I think so .

Q. You had known that Mrs Talbert had been ill in bed prior to the making of this will, didyou not ?

A. Yes, she had been sick in bed.

Q. OPrior to the making oFthis will ?

A. Yes sir .

Q. How long was she sick in bed prior to the making of this will ?

A. She was not long in bed sick at any one time, but she had been sick in bed off and on, ~~and then~~ , as I said this morning. She was not sick successively at all .

Q. At that time of the making of the will is something that impressed itself on your mind ?

A. Some parts of it .

Q. About how long then, to your best recollection, had she beenfeeble and ill ?

A. I dont recall .

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. How long did she remained confined to her bed after the making of the will ?

A. I dont remember that

Q. You called and saw her pretty near every day when she was in bed ?

A. No sir, not every day .

Q. Now younthink Mrs Talberts mind was perfectly rational and natural dowt you at the time that she executed this will

A. I do .

Q. She was in her normall state; her mind was ?

A. I think so .

Q . And there was nothing peculiar in any of her actions ?

A. No sir .

Q. Nothing that was, that indicatedcthat she was in any wise mentally disturbed ?

A. No sir, she didn't appear to be at all mentally disturbed .

QQ. WWhen was it that you commenced to notice that her mind was weak and failing ?

A. I cou;d not tell about the time .There were no great indications of her mind failing anyway .

Q. You know that she had that stroke of paralysis ?

A. Yes sir .

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Did you notice then that her mind was not as good as it had been ?

A . No sir, not right away I didn't notice.

Q. You thought it was mentally strong ?

A. I didn't think about it at all .

Q. As you think now ?

A. That she was just as strong .

Q. mentally I mean ?

A. I dont know. It seems to me that as a person fails in their health there is a possibility ofnit affecting them somewhat, but having no real reason that would justify me in saying anything, I have not .

Q. Why did you say that her mind was weak ?

A. If I said so it ~~mmmk~~ was something that drew it out .

Q. Why did you say so ?

A. I dont remember. I know the substance of why I said it I suppose that Thad was talking to me about his mother and about her actions being different from what they used to be and it might have been in that connetion that I made that remark .

Q. Why did you say yes. What did Thad say to you ?

A. No sir, no indeed.

Q. You had an impression at some time that Mrs alberts mind was weak ? and failing ?

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. When did that impress you first, strike you ?

A. I dont remember the distinct day. It seems to me it was within the last four or five months before she died .

Q. Not longer than that ?

A. I saw no indication of that.

Q. There was no indication in your mind, prior to the making of the will in 1894 that she was not as strong as she had been ?

A. I saw none whatever..

Q. When you saw her you found no trouble in talkin g to her whatever ?

A. No sir .

Q. Did you speak in an ordinary tone of voice .?

A. Not as a rule .

Q. You didn't have to raise your voice ?

A. I was always close to her, unless she was sleeping .

Q. No louder than you and I are conversing ?

A. I think not .

Q. It was not necessary for William to come around during those visits in the conversation you had with her ?

A. Sometimes he would say " Mother, Mr. Nash is speaking to you ."

Q. He would say it sometimes ?

A. Yes sir .

Peter Pan Book Co. Buffalo

JAMES P. MOORE, STENOGRAPHER, BUFFALO N.Y.

THE BUFFALO HISTORY MUSEUM

Q. When do you recollect that ?

A. I dont remember any distinct time .

Q. How often do you think that occurred .

A. I have not the slightest idea .

Q. You dont think there was anything peculiar about that ?

A. No sir .

Q. Do you recollect the subject you would be talking upon when he would say to his mother " Mr. Nash is speaking to you ?

A. I remembe rdistinctly that I didn't gain her attention up to that time .

Q. What was the trouble that she didn't answer you ?

A. She might have been sleeping at the time and not know I was in the room :

Q. So that when you cameinto the room and Mrs Talbert was in bedand you would speak to her, and she would not give you any answer, William would say " Mother Mr. Nash is addressing you ." Then she roused up ?

A. She would speak to me .

Q. Can you tell how frequently that would occur ?

A. I could not .

Q. Was not that true when she was at 98 Clinton street ?

A. I dont remember of her having any severe illness at 98 Clinton street.

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Do you recollect in February 1894 of Mrs Talbert being ill at home at 98 Clinton street ?

A. Yes sir .

Q. You called on her ?

A. Yes sir .

Q. The doctors visited her ?

A. Yes sir .

Q. You have stated that William would call his mothers attention to the fact that would speakx to her; did it occur at that place ?

A. I think not .

Q. Where was your first recollection ?

A. At the brick house at 515 Michigan street .

Q. Soon after they moved ?

A. No, I think not .

Q. What is your best recollection about it ?

A . I could not say just when it was .

Q. Was it during the Spring and Summer of '94 when she would be sometimes ill in bed and sometimes that would occur that William would call her attention to the fact that you had come in and spoken to her?

A. It was any time most. I dont recall any particular time. He would simply tell her I was there. I dont remember when it began. It might have began at Clinton street. He might have

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

done the same thing there.

Q. Whenever people have come into the room have you heard him say the same thing, saying " Mother Miss So and So is in the room ? "

A. I haveheard him say it .

Q. She would rouse up and speak to them ?

A. She would not rouse. She would speak to him.

Q. You didn't think it was peculair that he had to call her attention to the fact that there were people in the room ?

A. No sir .

Q. It didn't indicate to your mind that there was any mental disturbance with Mrs Talbert ?

A. No sir; that didn't .

Q. You thought that was an ordinary thing ?

A . Yes sir .

Q. Something that might happen to anybody ?

A. Yes sir .

Q . she would be in bed when hewould call her attention to the fact that you would speak to her- always ?

A. I wont say that, because she had an Invalid's chair . She might have been in the chair .

Q. It sometimews happened that it might have happened that she was in the chair ?

A. I dont remember .

JAMES P. MOORE, STENOGRAPHER, BUFFALO, N.Y.

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Donyou think it was always confined to the times when she was in the bed that he would call her attention to the visitors ?

A. I have no thought that I would like to give a decision on that I dont know .

Q. It might have occurred when she was sitting up ?

A. It may have .

Q. Did Mr Laing tell you that he wanted you to be a witness to the will when you we nt into the house ?

A. I think he did not .

Q. It was not until after the will was read that he asked you to be a witness ?

A. Yes sir .

Q. You are friendly with both sides of this issue, are you not ?

A. I havetried to be- very hard.

Q. You received Henrietta Talbert into the church , did you not ?

A. I did .

Q. Do you remember the day ?

A. No sir .

Q .Dont you know it was in the Spring of 1894 ?

A. No sir .

Q. Would your church books show ?

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. They ought to, but from certain neglect they dont .

Q. Who keeps the books ?

A. The clerk of the chu rch, a lady you had on the stand Mrs Lindsay .

Q . So that they dont show when the members were taken into the church ?

A. We keep no records when they were taken in, but only when they are being voted on .

Q .Is Mary Talbert a member of the church ?

A. She is .

Q. Did you ever have any conversation with her about swearing; using profane language ? You understand the question ?

A. Certainly I do .

The Court: What do you wish to show. I think he would be excused from answering it .

A. Mrs Talbert has always acted to me as regards her language, as a christian lady. I will answer distinctly, no, I never had to do such a thing.

Q. Do you recollect of going to Henrietta Talbert's house and asking for some papers ?

A. I do .

Q. ~~Who~~ She sent you there ?

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. No sir .

Q. Did you tell her that William Talbert sent you there ?

A. I told her that William Talbert had asked me to come .

Q. You make a distinction between a request and being sent?

A. I do .

Q. What were the papers ?

A. William Talbert said, if I understand correctly--

Q. What were the papers ?

A. I am going to tell you.

Q. Tell as near as you can ?

A. The papers were a discharge of a mortgage and he wanted his brother to get them that he might be able to discharge his mortgage and put his house in a place where it would not be enabled to lose it. I was willing to do anything to assist him I told him .

Q. When was it that he asked for the papers ?

A. Sometime last Summer .

Q. You went to the house at 98 Clinton street ?

A. Yes sir .

Q. And you saw Mrs Robert Talbert there ?

A. Yes sir .

Q. You had some conversation about those papers ?

A. Yes sir.

Q. You didn't get them ?

Peter Paul Book Co., Buffalo

MOORE, STENOGRAPHER, BUFFALO N. Y.

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

AL I didn't.

Q. Did you have any conversation with her about walter and Ada ?

A. Yes sir .

Q. What was it ?

A. I told her that walter had met me and had said to me that I had been used as an instrument in William Talbert,s hands to serve papers, or get somepaper, or something to that effect or something that would be tending to that end, and it was not true that she knew what I had tried to do, and that they were publishing a wrong thing.

Q. Now I ask you f you said that walter and Ada should be careful of harboring ill-feeling against you in that conversation; did you say that ?

A. No sir, I never said that . I said they ought not to do it .

Q. Did you say further that you were falsely accused bybthem relative to mortgage papers ?

A. I dont remember whether I did or not .

Q. Did you say that " my word goes a long ways in a law suit as a minister ."?

A. I dont remember saying any such terms .

Q. Did you say it ?

A. I dont remember.

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Will you say you didn't say it ?

A . I will not .

Q. Will you say yo u did say it ?

A. I will not .

Q. Did you say further that my word has won a law suit between peck and Green in favor of Peck ?

A. No sir . But I made a statement equivalent to that .

Q. Did you say that " my word will go a long ways in this law suit ." ?

A. I dont remember .

Q. Will you say you didn't say it ?

A. I will not .

Q. Will you say yuu did say it ?

A. I will not.

Q. You will simply say, you dont remember ?

A. I dont remember .

Q. Did you say further in that conversation, " I have nothing against Robert, your husband ." ?

A. I did .

Q. Did you say further, " But I have a little prejudice against Thad and Ada because of the manner in which they had uesd me ." ?

A. I did not .

THE BUFFALO HISTORY MUSEUM

Q. Did you ever notice any chains on that Michigan street house front door ?

A. No sir. I noticed a chain .

Q. What kind of a chain was it ?

A. A burglars chain .

Q. Howlong was it ?

A. I dont know. At least four or five inches .

Q. Did you ever notice it particularly ?

A. No sir .

Q. You are very friendly (did you say ' friendly ?) with William and his wife ?

A. I am .

Q. You visit the house ?

A. I do .

Q. You have visited it frequantly ?

A. Yes sir .

Q. And still continue so to do ?

A. Yes sir .

RE-DIRECT EXAMINATION BY MR. L A I N G.

Q. How long ago was it that you went to see Roberts people about some papers ?

A. It seems to me that it was in the late Summer or early Fall.

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. Thislast year was it ?

A. It was thisnpresent year, 1896 .It was about something regarding the mortgage on Robert's place .

Q. Did you understand at that time that that mortgage was about to be foreclosed ?

A. That it was liable to at any time .

Q. Was that your understanding ?

A .Yes sir .

Q. What connection did William have with that ? What was he trying to do ?

A. William had a transfer paper-it seems to me that his father had gotten out and he had it deposited, and he thought if his brother had it, and he asked me if I would carry it to him, which I did, and I notified hkm of what Robert said , and he sent it over by one of his boys or girls the same day.

Q. Did you understand that William was trying to get the bank to take that loan against Robert's place ?

A. No sir.

Q. You understood that it was something about the mortgage on Robert's place that was about to be foreclosed ?

A. Yes sir .

Q. And there was some discharge as you understood it that he

THE BUFFALO HISTORY MUSEUM

wanted to get from Robert ?

A. From him .

Q. Or take it to him ?

A. Yes sir, take it to him .

Q. You took somepaper over to him ?

A. He wanted me to take it, but I didn't have time . I went and saw hisbrother, and asked him if he was willing to accept it, and he gave me to understand that he would and I went and then saw William Talbert, and he went up to where the paper was deposited and got it and sent it over to Robert by his boy or girl .

Q. It was something that would help Robert out for another loan ?

A. Yes sir . Took it out of an individual hand and put it into the Bank if he wished to.

Q. Have you a recollection as to what Mrs Talbert said at the time the will was being executed regarding the Miss Coys ?

A. I remember that she said they had been good to her. I dont remember anything else.

Q. Do you remember anything else, kff she asked if the bequest to them was in the will ?

A. I dont remember .

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. As I understand you to say that at about the time Mrs Talbert went from Clinton street, transferred her home to Michigan street, she walked over there withyou ?

A. Yes sir .

Q. From Clinton street to Michigan street ?

A. Yes sir .

Q. Was anyone else along ?

A. No sir .

Q. Do you remember any of the conversation that occurred at that time ?

A. I talked with her about getting things smoothed over and reconciliation and she told me what trouble she had there; how the children, because of the wrangling, had disturbed her,and that she felt that she could not stand it . I told her that I thought that she should try to smooth it over, smooth things over, and nothave it so, or something to that effect. That was the gist of our conversation .

Q. Did she say which children ?

A. She didn't really have to say. I saw the childrenwhile I was there. I saw the children simply seemed to be enraged about something, and I didn't ask .

Q. Shortly before she went you saw them ?

A. Yes sir .

Q. Which ones did you see seem to be enraged ?

THE BUFFALO HISTORY MUSEUM

A. Thad and Robert.

Q. What did you see them do or hear them say ?

A. Henrietta Talbert also .

Q. What did they say ?

A. They were walking up and down the floor, and I am not certain whether both of them were, or which one of them were , and one of them was walking up and down the floor expressing his indignation, talking to his mother.

Q. What was he saying ?

A. I dont remember just what he was saying. He was expressing his objection to her action; that seemed to be it. I just came into the room .

Q. Do you remember whether he used any profane language ?

A. I think none of them used any profane language while I was in the room .

Q. Do you know of the action of hers hedidn't like what they were talking about ?

A. From my knowledge of the affairs I would think- -

Mr. Hatch: I object to his think.

The Court: Dont tell unless you know .

A. Yes, I may say I know it; the trouble was about the propp erty of their father. It seems that Mrs Talbert was not acting. Thad- the one from whom I caught the expression most

Talbert Papers, B79-4, Box 1.12: Nash Testimony
THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

was not acting in accordance with their will as regards the property.

Motion made to strike last answer out .

Motion allowed. Answer struck out .

Q. What did Mrs Talbert say about Thad not doing as she wished about the property ?

A. She said nothing to me about the particulars more than the children had quarreled so and created so much disturbance that it prayed on her so much that she could not remain .

Mr. Hatch,- I ask that that be struck out .

The Court:

Q. Did she say that to you .

A. Yes sir .

RE-EXAMINATION BY MR. HATCH:

Mr. Hatch:

Q. That was going over to your house .

A. Yes sir .

Mr. Haing, resuming,-

Q. Did she say that you before going over to ?

A. I think not .

Q. When Mrs Talbert lived on Potter street in the Summer of 1892, did she live with Mrs Jordan ?

A. No sir .

Q. She lived with a Miss Coy ?

Peter Paul Book Co., Buffalo

JAMES E. MURPHY, STENOGRAPHER, BUFFALO, N.Y.

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

A. Yes sir .

Q. Mrs Jordan kept house in another part of the same house?

A. Yes sir .

Q. One of them lived upstairs, or did they both ?

A. Mrs Jordan and Miss Coy ?

Q. Yes ?

A. Mrs Jordan lived on the lower floor and Miss Coy on the upper floor.

Q. You said that you had heard Maryvspeak about Thad in not a pleasant way when she had an occasion for it as you thought ?

A. Yes sir .

Q. What was that occasion ?

A. As she had heard used her name--

Objected to and motion made to strike out .

Motion granted.

Q. Did you hear her say whatcThad had said about her ?

A. At times I have heard her say .

Q. Tell it ?

A. I have heard her say that Thad said she was nobody;she was the scrapings; that she had no character or reputation; things of that kind .

Q. Have you heard Thad say anything about her and the child?

A. I have .

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

Q. What ?

A. Well he said a good many things that would be better unrelated it seems to me than related.

Q. When you first came to Buffalo where did you live ?

A. No. 48bPotter street .

Q. With whom ?

A. Mrs Ayer, Thomas and Hardy .

Q. Where did you board ?

A. At Mrs Jordans .

Q. Mrs Ada Jordan ?

A. Yes sir .

Q.Do you know whether she visited her mother at that time ?

A. I am not certain about it . It seems to me that she used to go over there. I was a stranger and didn't take notice of things that happened.

Re-cross examination by Mr. Hatch.

Q. Mrs Talberts complaint to you, as you understood it, was because of the action for an accounting that had been brought of her husband's estate; that her children were fightingone another over the accounting of her husband's estate ?

A. Yes, that was it .

Q. And the main difficulty was that William, Mary, Walter and Robert could not get together because of the difficulty

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

that was between them . That was the reason of the wrangling that she spoke of, in my mind. She didn't so express herself to me. In my mind it was .

Q. You didn't understand any difficulty with her herself apart from the difficulty with the children, did you ? The difficulty was between the children ?

A. That is the way I understand.

Q. Between her and her children ?

A. I say that between the children- she being in with the children; between the children and herself. That is the way I understood it. Entirely so- she was the administratrix .

Q. Was not that difficulty between the children themselves rather than between her ?

A. It could not have been so.

Q. William did all the business for her ?

A. I dont know .

Q. You have seen him do business for her ?

A. I never did .

Q .You dont know whether he did or not ?

A. I think he did .

Q. Dont you know the cause of complaint was against William and Mary by the other children ?

A. I didn't so understand it .

Q. Did you understand it was against the mother ?

THE BUFFALO HISTORY MUSEUM

Q. That they were against the mother ?

A. Whether they were conscious of it or not, I so thought.

Q. And there was no difference between the children and Mary ?

A. Yes , I think there was a hard feeling between them .

Q. You think that walter, Ada and Robert were engaged against their mother ?

A. Entirely so .

Q. And it was not against Mary or William ?

A. No sir, not conscientiously so .

By Mr. L A I N G.

Q. You made an effort to reconcile Mrs Talbert with Ada, Thad and Robert ?

A. I spoke to her about it . I would go to her and try to find out from her whether her ~~xxxxxxxxx~~ action had been because she had been influenced or something of that kind. As I told Thad, she always expressed herself to me as acting independent.

Q. How did she express herself to you ?

A. As acting independent .

Motion made to strike answer out .

Motion granted .

Q. How did she say she was acting ?

A. I say she impressed me so. She neve went into details . I

Peter Paul Book Co., Buffalo

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

asked her never to try to ascertain from her, in the way she was acting; thought she was entirely wrong, whether she thought so herself, or it resulted from influence.

Motion made to stirke out .

The Court: It is his own motives. What did she say to you ?

Q. What didshe say to you ? Give if you can the conversation with her regarding her relations with Thad Ada and Robert ?

A. I never had a conversation with her when I was engaged. on any particular subject, never, but I simply talked, asked her, and I tried to feel around to see if she was acting independent, and I ascertained from her in my own way of feeling around because of what would have to come.

Motion made to strike out .

Motion granted.

Q. Before you went to her had you been told by Thad that she was improperly influenced ? Was that the occasion of your going to her ?

A. I dont know but what Thad had told me so. I wont say for certain that he had .

Q. Do you recollect what you said to her about being reconciled to her children ?

A. No sir. I never used any directt terms. I simply asked in

Talbert Papers, B79-4, Box 1.12: Nash Testimony

a round about way.

Q. Do you recollect any part of her reply to what you said?

A. No sir, I dont recall now .

By Mr. H A T C H.

Q. Did you ever try to reconcile, as you say, Mary and William to his brothers and sisters ?

A. I have spoken to them .

Q. What did you say?

A. I dont know what language I used now .

Q. Why did you go to them ?

A. I didn't really go to them. I was with them off-times and I felt it my duty to speak to them as much as I could. I didn't really think it was my business to enter into it.

Q. You say you talked with Ada Jordan ?

A. Yes sir .

Q. Did you ever say to her that she ought to go and visit her mother ?

A. I have .

Q. What was her reply ?

A. That she didn't wish to visit her mother, if her mother didn't want to see her.

Q. Didn't she say that if she went to go there that Mary and William would not let her in the house ?

THE BUFFALO HISTORY MUSEUM

A. I would not say for certain .

Q. Will you say it was ?

A. No sir .

Q. Will you say it was not ?

A. No sir .

Q. Didn't she give that as a reason for not going to the house ? That she could not get in ?

A. I think so .

Q. Did you ever say anything to Mrs Jordan other than she ought to go and see her mother ?

A. Yes; I have said and tried to talk wit h her .

- - - - - - - - - - - - - - - -

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM

Talbert Papers, B79-4, Box 1.12: Nash Testimony

THE BUFFALO HISTORY MUSEUM